



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Computer Science Innovations, Inc.

File: B-231880

Date: September 27, 1988

DIGEST

Where firm would not be in line for award were its protest sustained, protest is dismissed since protester does not have the required direct interest in the contract award to be considered an interested party under Bid Protest Regulations.

DECISION

Computer Science Innovations, Inc. (CSI) protests the rejection of its offer under request for proposals (RFP) No. DAAB07-88-R-C257, issued by the U.S. Army Communications-Electronics Command for the acquisition of scientific, engineering, and integrated logistics support services. CSI argues that the Army improperly excluded its proposal from the competitive range for failing to meet certain minimum personnel requirements.

We dismiss the protest.

The RFP, issued on March 8, 1988, provided that award would be made to the responsible offeror submitting the "best overall proposal," representing the "best value" to the government. The RFP contained the following evaluation criteria in descending order of importance: 1) technical qualifications; 2) management control; 3) personnel; and 4) cost.

Six firms submitted offers in response to the RFP and, of the six, two were rated "superior," three were rated "acceptable," and the protester was rated "susceptible of being made acceptable" as a result of initial evaluations. The protester's rating was due primarily to the evaluators' conclusions regarding the unacceptability of two of CSI's professional staff. Subsequent to the initial evaluation the contracting officer apprised CSI of the deficiency regarding its two employees and provided the firm an

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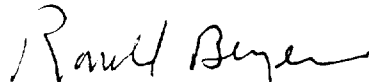
opportunity to submit either revised resumes for the two individuals or to substitute new resumes. CSI responded on June 14, 1988, by substituting another individual for one of its previously proposed employees and by revising the resume for the other previously proposed employee.

Thereafter, on June 17, the evaluation team informed the contracting officer that the two new resumes were unacceptable, and the contracting officer attempted unsuccessfully to contact CSI on that date. The contracting officer was able to reach CSI on June 20 and informed the firm at that time that its offer was no longer in the competitive range. On June 21, however, CSI nevertheless mailed its best and final offer (BAFO) which was due and received on June 22.

Upon receipt of CSI's BAFO, the agency held the package unopened until CSI's protest was filed, at which time the offer was opened. CSI's BAFO revealed that the firm had offered the highest cost of any firm while its technical rating, which had not changed as a result of discussions or BAFOs, remained nearly the lowest. Specifically, the record shows that even if CSI received a maximum score under the personnel evaluation factor, the only area affected by the questioned resumes, three other firms would still rank higher technically, would be lower in cost than CSI, and would therefore be in line for award before CSI.

Under our Bid Protest Regulations, we will only consider a protest by an interested party, i.e., an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of a contract or the failure to award a contract. 4 C.F.R. §§ 21.0(a) 21.1(a) (1988). A party is not an interested party to protest, where it would not be in line for award were its protest sustained. See, e.g., Systems-Analytics Group Corp., B-229836, Apr. 12, 1988, 88-1 CPD ¶ 358. Here, as stated above, after the submission of BAFOs, three firms received a ranking superior to that of CSI and also offered lower prices. Consequently, even were we to conclude that the protester's proposal had been improperly excluded, it would still not be in line for award.

The protest is dismissed.



Ronald Berger
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General Counsel